

IN THE SENATE OF THE UNITED STATES.

MAY 11, 1858.—Ordered to be printed.

Mr. CLAY submitted the following

REPORT.

*The Committee on Commerce, to whom was referred the "memorial of Beverly Diggs, late an officer in the revenue service, praying relief," have had the same under consideration, and respectfully submit the following report:*

That in accordance with views expressed by the Secretary of the Treasury in the accompanying letter, to which they refer as part of their report, the committee have decided adversely to the prayer of the memorialist, and deem it inexpedient to grant the prayer of the petitioner.

TREASURY DEPARTMENT, *April 13, 1858.*

SIR: I acknowledge the receipt of your letter of 7th instant, enclosing the memorial of Beverly Diggs, late an officer in the revenue cutter service, praying relief, in which you request, on behalf of the Committee on Commerce, to be furnished with any information that may be in possession of the department, and my views in respect to the justice of the claim; and, in reply, have the honor to state that, from the records of the department, it is shown that the memorialist was appointed a third lieutenant in the revenue cutter service in June, 1834, was promoted to a second lieutenancy in December, 1838, and was advanced to a first lieutenancy in said service in August, 1843, in which grade he served until April 3, 1853, when, by direction of the President, he was, together with a number of officers of each grade, dropped from the service by letter of the Hon. James Guthrie, the then Secretary of the Treasury. The reason for this action on the part of the department, as appears from the record, was, that it did not consider it had authority of law to keep in the service a greater number of officers than there were cutters needing their employment.

I have been informed that, in making selection of those officers to be retained and those to be dropped, the department was governed solely by a proper consideration for the efficient performance of the duty required of them, except in the grade of third lieutenants, in

which grade those officers dropped were mostly those who had but recently entered the service.

I am further informed it was adjudged that Mr. Diggs was, from his manifest bodily infirmity, utterly incapable of rendering efficient service, and was, accordingly, among those dropped.

It may be proper to add that Mr. Diggs received during his entire connexion with the revenue cutter service the legal pay of his rank, and it is not conceived that he has any claim for further compensation. The memorial is herewith returned.

I am, very respectfully,

HOWELL COBB,  
*Secretary of the Treasury.*

Hon. C. C. CLAY,  
*Ch'n Committee on Commerce, U. S. Senate.*